

APR 16 2007

Atty Docket No. 116 US PC01

FAX NO.: 571/273-8300

**OFFICIAL COMMUNICATION FOR THE ATTENTION OF
THE U.S. PATENT AND TRADEMARK OFFICE**

CERTIFICATION OF FACSIMILE TRANSMISSION


I hereby certify that the following documents in re Application of Balasa et al., Application No. 10/581,468, filed June 1, 2006, for TREATMENT OF INFLAMMATORY BOWEL DISEASES WITH ANTI-IP-10 ANTIBODIES are being facsimile transmitted to the United States Patent and Trademark Office, on the date shown below.

Documents Attached

1. Transmittal Form (1 page)
2. Information Disclosure Statement (3 pages)
3. PTO Form SB/08 (1 page)
4. Non Patent Reference (6 pages)

Number of pages being transmitted, including this page: 12

Dated: April 16, 2007


Linda Pete

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APR 16 2007

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/581,468
		Filing Date	June 1, 2006
		First Named Inventor	Balasa, et al.
		Art Unit	Not yet assigned
		Examiner Name	Not yet assigned
Total Number of Pages in This Submission	11	Attorney Docket Number	116 US PC01

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Reply to Notice to Comply... <input type="checkbox"/> Sequence Listing (Printed + Diskette) <input type="checkbox"/> Statement <input type="checkbox"/> Copy of Notice <input type="checkbox"/> Preliminary Amendment <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of non patent reference
Remarks The Director is hereby authorized to charge any fee(s) or underpayments of fee(s) or credit any overpayments to PDL BioPharma, Inc. Deposit Account No. 50-3270 for the paper(s) submitted herewith.		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	Michael Biro, Reg. No. 46,556, PDL BIOPHARMA, INC.		
Signature	<i>Michael Biro</i>		
Date	April 16, 2007		

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO (Facsimile No. 571-273-8300) or deposited with the United States Postal Service with sufficient postage as Express mail (Label No. EB 084489926 US) in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 16, 2007.

Typed or printed name	Linda Pete		
Signature	<i>Linda Pete</i>	Date	April 16, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APR 16 2007

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: not yet assigned

Examiner: not yet assigned

In re application of:
Balasa *et al.*TREATMENT OF INFLAMMATORY
BOWEL DISEASES WITH ANTI-IP-10
ANTIBODIES

Serial No.: 10/581,468

Filing Date: June 1, 2006

Attorney Docket No.: 116 US PC01

Customer No.: 47470

INFORMATION DISCLOSURE STATEMENTFremont, CA 94555
April 16, 2007Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir or Madam:

Applicants, in accordance with their duty of disclosure pursuant to 37 C.F.R. § 1.56, hereby advise the United States Patent and Trademark Office of the reference listed on the accompanying Form PTO/SB/08A Information Disclosure Statement by Applicant.

Applicants respectfully request that the listed reference be considered by the examiner and be made of record in the above-identified application. Accordingly, the examiner is requested to initial and return to applicants a copy of Form PTO/SB/08A, in accordance with MPEP § 609.

Applicants note that although the listed reference may be relevant to the examination of the above-referenced application, under 37 C.F.R. § 1.97(h), the filing of this Information Disclosure Statement "shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b)."

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

☒ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --
- ☐ (2) It is being filed within 3 months of entry of a national stage
-- OR --
- ☒ (3) It is being filed before the mail date of the first Office Action on the merits
-- OR --
- ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

☐ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

- ☐ a certification as specified in §1.97(e) is provided below; or
- ☐ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; and
- C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☒ Applicants state that each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than 30 days prior to the filing of the Information Disclosure Statement.

☐ Applicants state that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after

making reasonable inquiry, no item of information contain in the Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

- ☐ Copies of each of the references listed on the attached Forms PTO-1449 are enclosed herewith. Due to the voluminous nature of the references, each reference is provided in PDF format on the attached CD ROM, clearly titled by publication number or author.
- ☒ Copies of references listed on the attached Form PTO-1449 are enclosed herewith.
- ☐ In view of the voluminous nature of references, and the likelihood that these references are available to the Examiner in the file history of the parent application (Serial No.), copies are not enclosed herewith.
- ☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.
- ☒ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(ii)).
- ☒ There are no listed references that are not in the English language.
- ☐ The relevance of those listed references which are not in the English language is as follows:
- ☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.
- ☐ Attached are the following non-published pending patent applications that may be deemed relevant, which are listed on the attached Submission Under MPEP 609D.
- ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fee of \$ 0 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 50-3270 (Docket No 116 US CP01).

Respectfully submitted,

Dated: 4/16/07

By: Michael Biro

Michael Biro, Reg. No. 46,556

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PTO/SB/08A (08-03)

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/581,468
				Filing Date	June 1, 2006
				First Named Inventor	Balasa et al.
				Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	116 US PC01

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁴
		Country Code ² - Number ³ - Kind Code ⁴ (if known)				

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issuic number(s), publisher, city and/or country where published.	T ²
		SINGH, Udai P. et al, "Inhibition of IFN-γ-Inducible Protein-10 Abrogates Colitis in IL-10 ^{-/-} Mice, The Journal of Immunology, Vol. 171, pages 1401-1406 (2003).	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.